

CLOSED,ECF

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-09319-AKH**

Genger v. Genger et al
Assigned to: Judge Alvin K. Hellerstein
Related Case: 1:19-cv-09365-AKH
Case in other court: State Court-County, 17-02008
Cause: 28:1452 R&R re motions to remand (non-core)

Date Filed: 10/08/2019
Date Terminated: 02/18/2020
Jury Demand: None
Nature of Suit: 380 Personal Property:
Other
Jurisdiction: Federal Question

Petitioner

Orly Genger
*beneficiary of The Orly Genger 1993
Trust*

represented by **Michael Paul Bowen**
Kasowitz, Benson, Torres LLP (NYC)
1633 Broadway
New York, NY 10019
(212)506-1700 x1903
Fax: (212)506-1800
Email: mbowen@kasowitz.com
ATTORNEY TO BE NOTICED

V.

Respondent

Dalia Genger
as trustee of The Orly Genger 1993 Trust

represented by **Judith Lisa Bachman**
Solo Practice
100 Park Avenue, 16th Floor
New York, NY 10017
845-639-3210
Fax: 845-634-5410
Email: jlbesq_99@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Respondent

Sagi Genger 1993 Trust

represented by **John Dellaportas**
Emmet, Marvin & Martin LLP
120 Broadway
New York, NY 10271
212-238-3000
Fax: 212-238-3100
Email: jdellaportas@emmetmarvin.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Respondent

Orly Genger 1993 Trust

represented by **Adam Lewis Pollock**
Pollock Cohen LLP

60 Broad Street, 24th Floor
New York, NY 10004
212-337-5361
Email: Adam@PollockCohen.com
ATTORNEY TO BE NOTICED

Trustee

Deborah J. Piazza

*Successor Chapter 7 Trustee of
bankruptcy estate of Orly Genger*

Date Filed	#	Page	Docket Text
10/08/2019	<u>1</u>		NOTICE OF REMOVAL from Surrogates Court, County of New York. Case Number: 0017-2008. (Filing Fee \$ 400.00, Receipt Number ANYSDC-17740986).Document filed by Orly Genger. (Attachments: # <u>1</u> Exhibit 1: OTSC with Temporary Restraints (6/24/09), # <u>2</u> Exhibit 2: OTSC with Temporary Restraints (7/01/09), # <u>3</u> Exhibit 3: Affidavit in Opp. to Respondent's Motion to Dismiss (8/04/09), # <u>4</u> Exhibit 4: Supp. Order to Show Cause with Temporary Restraints (8/18/09), # <u>5</u> Exhibit 5:OTSC to Supp Court's 7.1.09 Confirmed 8.18.09 Order (7/16/10), # <u>6</u> Exhibit 6: Notice of Motion For Leave to Amend Petition (9/22/10), # <u>7</u> Exhibit 7: Affidavit in Support of Motion For Leave To Amend Petition (9/22/10), # <u>8</u> Exhibit 7: Affidavit in Support of Motion For Leave To Amend Petition (9/22/10)(Part 2), # <u>9</u> Exhibit 8: Affirmation in Resp. to Motion for Leave to Amend Petition (9/23/10), # <u>10</u> Exhibit 9:Stipulation Withdrawing OTSC signed 7.16.10 (9/24/10), # <u>11</u> Exhibit 10: Reply Affidavit (9/30/10), # <u>12</u> Exhibit 11: Decision (10/12/10), # <u>13</u> Exhibit 12: Amended Stipulation (10/20/10), # <u>14</u> Exhibit 13: Decision (10/21/10), # <u>15</u> Exhibit 14: Notice of Motion to Dismiss (11/04/10), # <u>16</u> Exhibit 15: Affidavit in Opp. to Respondent's Motion to Dismiss (11/16/10), # <u>17</u> Exhibit 16 Reply Affirmation In Support Of Motion to Dismiss (11/22/10), # <u>18</u> Exhibit 17 Stipulation Adjourning Motion to Dismiss (11/22/10), # <u>19</u> Exhibit 18 Notice of Entry (1/10/11), # <u>20</u> Exhibit 19 Second Amended Verified Petition and Request for TRO (1/10/11), # <u>21</u> Exhibit 20 Notice of Change of Address (8/28/12), # <u>22</u> Exhibit 21 Notice of Substitution of Attorneys (9/10/12), # <u>23</u> Exhibit 22 Petition for A Compulsory Accounting and Related Relief (10/10/12), # <u>24</u> Exhibit 23Affidavit of Service (10/16/12), # <u>25</u> Exhibit 24 Third Amended Verified Petition (10/17/12), # <u>26</u> Exhibit 24 Third Amended Verified Petition (10/17/12)(Part 2), # <u>27</u> Exhibit 25Affirmation In Support Of Motion to Dismiss Third Amended Petition (11/19/12), # <u>28</u> Exhibit 26 Citation (11/20/12), # <u>29</u> Exhibit 27 Notice of Appearance and Admission of Service (12/05/12), # <u>30</u> Exhibit 28: Notice of Motion to Dismiss Third Amended Petition (12/05/12), # <u>31</u> Exhibit 29 Stipulation Adjourning Return Date of Citation of Petition (12/05/12), # <u>32</u> Exhibit 30 Stipulation Adjourning Return Date of Respondent's Motion to Dismiss (1/08/13), # <u>33</u> Exhibit 31 Stipulation Adjourning Return Date of Respondent's Motion to Dismiss (1/17/13), # <u>34</u> Exhibit 32 Memo of Law In Support Of Petitioner's OTSC (2/14/13), # <u>35</u> Exhibit 33 Affirmation in Support of Petitioner's OTSC (2/14/13), # <u>36</u> Exhibit 33 Affirmation in Support of Petitioner's OTSC (2/14/13)(part 2), # <u>37</u> Exhibit 33 Affirmation in Support of Petitioner's OTSC (2/14/13)(Part 3), # <u>38</u> Exhibit 34: Sworn Statement of Orly Genger In Support of Her OTSC (2/14/13), # <u>39</u>

Exhibit 34: Sworn Statement of Orly Genger In Support of Her OTSC (2/14/13)(Part 20, # 40 Exhibit 35 Affidavit of Service (2/14/13), # 41 Exhibit 36 Order to Show Cause (2/19/13), # 42 Exhibit 37 Affidavit of Service (2/25/13), # 43 Exhibit 38 Affidavit of Service (2/27/13), # 44 Exhibit 39Memorandum of Law In Support of Petitioner's Opp. to Motion to Dismiss (2/27/13), # 45 Exhibit 40 Attorney's Statement in Opp. to Respondent's Motion to Dismiss (2/27/13), # 46 Exhibit 40 Attorney's Statement in Opp. to Respondent's Motion to Dismiss (2/27/13)(Part 2), # 47 Exhibit 41 Appendix Exhibits (2/27/13), # 48 Exhibit 41 Appendix Exhibits (2/27/13)(Part 2), # 49 Exhibit 42 Memorandum in Opp. to Motion for Preliminary Injunction Against Trustee (3/01/13), # 50 Exhibit 43 Affirmation of R. Meister in Opp. to Motion for Preliminary Injunction Against Trustee (3/01/13), # 51 Exhibit 43 Affirmation of R. Meister in Opp. to Motion for Preliminary Injunction Against Trustee (3/01/13)(part 2), # 52 Exhibit 43: Affirmation of R. Meister in Opp. to Motion for Preliminary Injunction Against Trustee (3/01/13)(Part 3), # 53 Exhibit 43: Affirmation of R. Meister in Opp. to Motion for Preliminary Injunction Against Trustee (3/01/13)(Part 4), # 54 Exhibit 44: Affirmation of J. Dellaportas on Behalf of Respondent Sagi Trust (3/01/13), # 55 Exhibit 44: Affirmation of J. Dellaportas on Behalf of Respondent Sagi Trust (3/01/13) (Part 2), # 56 Exhibit 45 Affidavit of J. D. Anderson (3/01/13), # 57 Exhibit 46 Affidavit of Service (3/01/13), # 58 Exhibit 47 Stipulation (3/11/13), # 59 Exhibit 48 Decision (3/21/13), # 60 Exhibit 49 Accounting By Trustee (5/09/13), # 61 Exhibit 50 Petition for Judicial Settlement of Account of Trustee (5/09/13), # 62 Exhibit 51 Supp. Affirmation in Connection with the Pending Motion to Dismiss (6/19/13), # 63 Exhibit 52 Decision (7/15/14), # 64 Exhibit 53 Decision (7/24/14), # 65 Exhibit 54 Affirmation of Bryan D. Leinbach (8/05/14), # 66 Exhibit 55 Affirmation of Service (8/08/14), # 67 Exhibit 56 Notice of Motion to Dismiss OTSC and Third Amended Petition (9/19/14), # 68 Exhibit 57 Verified Affirmation of J. Dellaportas in Support of Motion to Dismiss (9/22/14, # 69 Exhibit 57 Verified Affirmation of J. Dellaportas in Support of Motion to Dismiss (9/22/14)(Part 2), # 70 Exhibit 58 : Amended Notice of Motion to Dismiss OTSC and Third Amended Petition (9/24/14), # 71 Exhibit 58:Amended Notice of Motion to Dismiss OTSC and Third Amended Petition (9/24/14)(part 2), # 72 Exhibit 59Beneficiary O. Genger Memo of Law in Opp to Sagi Trust Motion to Dismiss OTSC (10/23/14), # 73 Exhibit 60 Affirmation of Bryan D. Leinbach (10/23/14), # 74 Exhibit 61 Stipulation (11/05/14), # 75 Exhibit 62 A. Sternberg Reply Memo of Law in Further Support of Motion to Dismiss (11/06/14), # 76 Exhibit 63Order Appointing Guardian Ad Litem (12/11/14), # 77 Exhibit 64 Appearance and Consent of Guardian ad Litem in a Misc. Proceeding (12/22/14), # 78 Exhibit 65 Notice of Appearance (12/26/14), # 79 Exhibit 66 admission of Service of The Sagi Trust Motion to Dismiss 15-03-11 -, # 80 Exhibit 67 Supplemental Notice of Appearance (3/12/15), # 81 Exhibit 68 Affirmation of S. Riker, Esq. In Response to D. Genger's Motion to Dismiss (3/12/15), # 82 Exhibit 69 Admission of Service of The Dalia Genger Motion to Dismiss (3/12/15), # 83 Exhibit 70 Decision (4/09/15), # 84 Exhibit 71 Decision (4/22/15), # 85 Exhibit 72 Supplemental Citation (5/06/15), # 86 Exhibit 73 Notice of Appeal (5/12/15), # 87 Exhibit 74 Affirmation of B. D. Leinbach (6/19/15), # 88 Exhibit 75 Verified Affirmation of J. Dellaportas in Support of Motion to Dismiss (7/07/15), # 89 Exhibit 75 Verified Affirmation of J. Dellaportas in Support of Motion to Dismiss (7/07/15)(Part 2), # 90 Exhibit 75 Verified Affirmation of J. Dellaportas in Support of Motion to Dismiss (7/07/15)(Part 3), # 91 Exhibit 75

Verified Affirmation of J. Dellaportas in Support of Motion to Dismiss (7/07/15)(Part 4), # 92 Exhibit 75 Verified Affirmation of J. Dellaportas in Support of Motion to Dismiss (7/07/15)(part 5), # 93 Exhibit 76 Second Supp. Notice of Motion to Dismiss Third Verified Amended Petition (7/08/15), # 94 Exhibit 76 Second Supp. Notice of Motion to Dismiss Third Verified Amended Petition (7/08/15)(Part 2), # 95 Exhibit 76 Second Supp. Notice of Motion to Dismiss Third Verified Amended Petition (7/08/15)(Part 3), # 96 Exhibit 76 Second Supp. Notice of Motion to Dismiss Third Verified Amended Petition (7/08/15)(Part 4), # 97 Exhibit 77 Verified Notice of Appearance (8/07/15), # 98 Exhibit 78 Updated Notice of Motion to Dismiss Third Verified Amended Petition (8/25/15), # 99 Exhibit 79 Amended Notice Resetting Return Date of Motion to Dismiss (8/25/15), # 100 Exhibit 80 Affirmation in Response to S. Genger 1993 Trust's Supp. Motion to Dismiss (8/25/15), # 101 Exhibit 81 Stipulation (9/16/15), # 102 Exhibit 82 O. Genger Memo of Law in Opp. to S. Genger 1993 Trust's Motion to Dismiss (10/13/15), # 103 Exhibit 82 O. Genger Memo of Law in Opp. to S. Genger 1993 Trust's Motion to Dismiss (10/13/15)(part 2), # 104 Exhibit 82 O. Genger Memo of Law in Opp. to S. Genger 1993 Trust's Motion to Dismiss (10/13/15)(part 3), # 105 Exhibit 82 O. Genger Memo of Law in Opp. to S. Genger 1993 Trust's Motion to Dismiss (10/13/15)(Part 4), # 106 Exhibit 83 O. Genger Response to Dalia's Unauthorized Supp. Filing on Her Motion to Dismiss (10/13/15), # 107 Exhibit 83 O. Genger Response to Dalia's Unauthorized Supp. Filing on Her Motion to Dismiss (10/13/15)(part 2), # 108 Exhibit 83 O. Genger Response to Dalia's Unauthorized Supp. Filing on Her Motion to Dismiss (10/13/15)(Part 3), # 109 Exhibit 83 O. Genger Response to Dalia's Unauthorized Supp. Filing on Her Motion to Dismiss (10/13/15)(part 4), # 110 Exhibit 83 O. Genger Response to Dalia's Unauthorized Supp. Filing on Her Motion to Dismiss (10/13/15)(Part 5), # 111 Exhibit 83 O. Genger Response to Dalia's Unauthorized Supp. Filing on Her Motion to Dismiss (10/13/15)(Part 6), # 112 Exhibit 84 Affirmation of S. Riker, Esq. in Opp. to The Sagi Trust's Motion to Dismiss (10/20/15), # 113 Exhibit 85 Stipulation Adjourning the Motions to Dismiss the Third Amended Petition (10/23/15), # 114 Exhibit 86 The S. Genger 1993 Trust's Reply Memo in Further Support of Motion to Dismiss (11/04/15), # 115 Exhibit 87 Notice of Appearance (2/14/17), # 116 Exhibit 88 Substitution of Counsel (2/15/17), # 117 Exhibit 89 Stipulation of Withdrawal of Counsel (2/15/17), # 118 Exhibit 90 Affirmation of Service (2/16/17), # 119 Exhibit 91 Notice of Change of Firm Name (4/14/17), # 120 Exhibit 92 Decision (6/21/17), # 121 Exhibit 93 Notice of Entry (7/13/17), # 122 Exhibit 94 Answer of D. Genger to Third Amended Petition (7/31/17), # 123 Exhibit 95 Answer of Sagi Genger 1993 Trust (7/31/17), # 124 Exhibit 96 Amended Answer of D. Genger to Third Amended Petition and Cross-Petition (8/22/17), # 125 Exhibit 97 Notice of Motion to Dismiss Cross-Petition (9/08/17), # 126 Exhibit 98 Memo of Law in Support of Petitioner's Motion to Dismiss D. Genger's Cross-Petition (9/08/17), # 127 Exhibit 99 Affirmation of M. Bowen (9/08/17), # 128 Exhibit 100 Opposition Affirmation on Behalf of Sagi Trust (Corrected) (9/23/17), # 129 Exhibit 101 Memo of Law of D. Genger in Opp. to O. Genger Motion to Dismiss Cross-Petition (9/25/17), # 130 Exhibit 102 Affirmation of J. Bachman in Opp. to Motion to Dismiss Cross-Petition (9/24/17), # 131 Exhibit 102 Affirmation of J. Bachman in Opp. to Motion to Dismiss Cross-Petition (9/24/17)(Part 2), # 132 Exhibit 103 Opposition Affirmation on Behalf of Sagi Trust (9/26/17), # 133 Exhibit 104 Affirmation of Service (9/26/17), # 134 Exhibit 105 Reply Affirmation of M. Bowen in Support of Orly's Motion to Dismiss Cross-Petition

		(10/02/17), # <u>135</u> Exhibit 106 Affirmation of Service (10/02/17), # <u>136</u> Exhibit 107 Stipulation to Adjourn Motion to Dismiss (10/02/17), # <u>137</u> Exhibit 108 Memorandum in Opp. to Motion to Dismiss (10/09/17), # <u>138</u> Exhibit 109 Affirmation of S. Riker, Esq. in Response to O. Genger Motion to Dismiss Cross Petition (10/13/17), # <u>139</u> Exhibit 110 Stipulation to Adjourn Motion to Dismiss (10/16/17), # <u>140</u> Exhibit 111 Notice of Substitution (12/14/17), # <u>141</u> Exhibit 112 Notice of Bankruptcy (7/16/19), # <u>142</u> Exhibit 113 Decision (8/20/19))(Bowen, Michael) (Entered: 10/08/2019)
10/08/2019	<u>2</u>	CIVIL COVER SHEET filed. (Bowen, Michael) (Entered: 10/08/2019)
10/09/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Alvin K. Hellerstein. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (dnh) (Entered: 10/09/2019)
10/09/2019		Magistrate Judge Stewart D. Aaron is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (dnh) (Entered: 10/09/2019)
10/09/2019		Case Designated ECF. (dnh) (Entered: 10/09/2019)
10/14/2019	<u>3</u>	MOTION to Transfer Case . Document filed by Orly Genger.(Bowen, Michael) (Entered: 10/14/2019)
10/14/2019	<u>4</u>	MEMORANDUM OF LAW in Support re: <u>3</u> MOTION to Transfer Case . . Document filed by Orly Genger. (Bowen, Michael) (Entered: 10/14/2019)
10/17/2019	<u>5</u>	NOTICE of Statement pursuant to Bank. P. 9027(e)(3). Document filed by Dalia Genger. (Attachments: # <u>1</u> Certificate of Service)(Bachman, Judith) (Entered: 10/17/2019)
10/21/2019	<u>6</u>	NOTICE of Petitioner's Statement Pursuant to Federal Rule of Bankruptcy Procedure 9027(E)(3). Document filed by Sagi Genger 1993 Trust. (Khinchuk, Beth) (Entered: 10/21/2019)
10/21/2019	<u>7</u>	NOTICE of Statement pursuant to Rule 9027(e)(3) re: <u>1</u> Notice of Removal,,,,,,,,,,,,,,,,,,,,,,,,,,,,, Document filed by Orly Genger 1993 Trust. (Pollock, Adam) (Entered: 10/21/2019)
10/22/2019	<u>8</u>	NOTICE of Statement pursuant to Rule 9027(e)(3) (corrected) re: <u>7</u> Notice (Other). Document filed by Orly Genger 1993 Trust. (Pollock, Adam) (Entered: 10/22/2019)
10/23/2019	<u>9</u>	CONSENT LETTER MOTION for Extension of Time to File Response/Reply as to <u>3</u> MOTION to Transfer Case . to November 6, 2019 addressed to Judge Alvin K. Hellerstein from Adam Pollock dated Oct. 23, 2019. Document filed by Orly Genger 1993 Trust.(Pollock, Adam) (Entered: 10/23/2019)
10/24/2019	<u>10</u>	ORDER granting <u>9</u> Letter Motion for Extension of Time to File Response/Reply re <u>3</u> MOTION to Transfer Case . So Ordered. (Responses due by 11/6/2019.)

			(Signed by Judge Alvin K. Hellerstein on 10/24/19) (yv) (Entered: 10/24/2019)
11/06/2019	<u>11</u>		MEMORANDUM OF LAW in Opposition re: <u>3</u> MOTION to Transfer Case . (<i>motion to transfer is moot</i>). Document filed by Orly Genger 1993 Trust. (Pollock, Adam) (Entered: 11/06/2019)
11/07/2019	<u>12</u>		MOTION to Remand to State Court . Document filed by Orly Genger 1993 Trust.(Pollock, Adam) (Entered: 11/07/2019)
11/07/2019	<u>13</u>		MEMORANDUM OF LAW in Support re: <u>12</u> MOTION to Remand to State Court . . Document filed by Orly Genger 1993 Trust. (Pollock, Adam) (Entered: 11/07/2019)
11/07/2019	<u>14</u>		DECLARATION of Christopher K. Leung in Support re: <u>12</u> MOTION to Remand to State Court .. Document filed by Orly Genger 1993 Trust. (Pollock, Adam) (Entered: 11/07/2019)
11/12/2019	<u>15</u>		LETTER MOTION for Extension of Time to File Response/Reply as to <u>12</u> MOTION to Remand to State Court . addressed to Judge Alvin K. Hellerstein from Michael P. Bowen dated November 12, 2019. Document filed by Orly Genger.(Bowen, Michael) (Entered: 11/12/2019)
11/12/2019	<u>16</u>		LETTER addressed to Judge Alvin K. Hellerstein from Adam Pollock dated Nov. 12, 2019 re: Kasowitz letter of Nov. 12 (ECF No. 15). Document filed by Orly Genger 1993 Trust.(Pollock, Adam) (Entered: 11/12/2019)
11/12/2019	<u>17</u>		ORDER granting <u>15</u> Letter Motion for Extension of Time to File Response/Reply: So ordered. (Signed by Judge Alvin K. Hellerstein on 11/12/2019) (jwh) (Entered: 11/12/2019)
11/12/2019	<u>18</u>		JOINT MOTION to Remand to State Court (<i>Joinder in Prior Motion</i>). Document filed by Dalia Genger, Sagi Genger 1993 Trust.(Dellaportas, John) (Entered: 11/12/2019)
11/25/2019	<u>19</u>		NOTICE OF APPEARANCE by Judith Lisa Bachman on behalf of Dalia Genger. (Bachman, Judith) (Entered: 11/25/2019)
12/23/2019	<u>20</u>		LETTER MOTION for Extension of Time to File Response/Reply as to <u>12</u> MOTION to Remand to State Court . (<i>seeking 2nd 45-day adjournment of opposition, on behalf of newly-appointed Trustee</i>) addressed to Judge Alvin K. Hellerstein from Adam Pollock dated Dec. 23, 2019. Document filed by Orly Genger 1993 Trust.(Pollock, Adam) (Entered: 12/23/2019)
12/23/2019	<u>21</u>		ORDER granting <u>20</u> Letter Motion for Extension of Time to File Response/Reply. So Ordered. (Signed by Judge Alvin K. Hellerstein on 12/23/19) (yv) (Entered: 12/23/2019)
12/23/2019	<u>22</u>		LETTER addressed to Judge Alvin K. Hellerstein from Adam Pollock dated Dec. 23, 2019 re: correcting the previous letter (dkt. #20). Document filed by Orly Genger 1993 Trust.(Pollock, Adam) (Entered: 12/23/2019)
02/05/2020	<u>23</u>		LETTER MOTION for Extension of Time (<i>seeking 3rd 45-day adjournment of opposition, on behalf of newly-appointed Trustee</i>) addressed to Judge Alvin K. Hellerstein from Adam Pollock dated Feb. 5, 2020. Document filed by Orly Genger 1993 Trust..(Pollock, Adam) (Entered: 02/05/2020)
02/05/2020	<u>24</u>		

		ORDER terminating <u>23</u> Letter Motion for Extension of Time. As stated in my Individual Rules, See Rule 2.B, I do not accept letter motions. If the parties wish to transfer the case, they must file a motion or joint stipulation. (Signed by Judge Alvin K. Hellerstein on 2/5/20) (yv) (Entered: 02/05/2020)
02/07/2020	<u>25</u>	LETTER addressed to Judge Alvin K. Hellerstein from Rocco A. Cavaliere, Esq. dated February 7, 2020 Document filed by Deborah J. Piazza..(Cavaliere, Rocco) (Entered: 02/07/2020)
02/10/2020	<u>26</u>	LETTER addressed to Judge Alvin K. Hellerstein from Judith Bachman, Esq. dated February 10, 2020 re: Stipulation to extension of time. Document filed by Dalia Genger..(Bachman, Judith) (Entered: 02/10/2020)
02/11/2020	<u>27</u>	ORDER REGULATING PROCEEDINGS. To clarify the record, the parties are hereby directed as follows : 1. No later than 5:00 p.m. on February 14, 2020, the parties shall submit a joint letter to the Court, and uploaded to the docket, stating whether all parties agree to a transfer of this matter to the bankruptcy court. 2. If all parties agree, the joint letter shall attach an updated stipulation. 3. If any party does not agree that a transfer is proper, the reason for that party's opposition shall also be included in the joint letter. See Alvin K. Hellerstein, Individual Rules at 2.E. This opposition should explain, at least, why transfer of this case is not required by the Southern District of New York's Amended Standing Order of Reference, 12 Misc. 32, dated February 1, 2012, which provides that, "Pursuant to 28 U.S.C. Section 157(a) any or all cases under title 11 and any or all proceedings arising under title 11 or related to a case under title 11 are referred to the bankruptcy judges for this district." If necessary, upon receipt of a letter evincing disagreement, the Court will impose a briefing schedule for formal motions. See Alvin K. Hellerstein, Individual Rules at 2.B ("Letter motions or oppositions will not be accepted."). 4. Finally, the joint letter shall include the parties' views—or agreement, as the case may be—on whether the pending motion to transfer this case to the Western District of Texas, ECF No. 3, is moot. See ECF No. 15 ("[L]ast week... the bankruptcy court transferred venue of the bankruptcy case to New York.... [G]iven the ordered change in venue, the previously filed motions to transfer the removed cases to Texas are moot, but any motion or stipulation in that regard also must await appointment of the new trustee."). In order to, inter alia, allow the Court time to review the above—ordered letter submission, the letter request dated February 5, 2020, seeking a 45—day extension for the Bankruptcy Trustee to respond to the pending remand motions, is granted. SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 2/11/20) (yv) (Entered: 02/12/2020)
02/14/2020	<u>28</u>	LETTER addressed to Judge Alvin K. Hellerstein from Rocco A. Cavaliere, Esq. dated 2/14/2020 re: Response to the Court's Order Regulating Proceedings dated February 11, 2020. Document filed by Deborah J. Piazza..(Cavaliere, Rocco) (Entered: 02/14/2020)
02/18/2020	<u>29</u>	JOINT STIPULATION AND ORDER CONFIRMING REFERRAL OF REMOVED SURROGATE COURT ACTIONS TO BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK: NOW, upon all pleadings and proceedings heretofore had herein, the parties to this Stipulation, by their respective counsel, agree to the following: 1. The Removed Surrogate Court Actions, including the determination of the pending Remand Motions, shall be referred to the Bankruptcy Court for further determination by the Bankruptcy

		<p>Court. 2. The Orly Genger Trust disputes that the Removed Surrogate Court Actions arise under Title 11 or arise in or are related to a case under Title 11, and reserves all rights concerning the arguments made in its Remand Motions. The Orly Genger Trust's consent to referral of the Removed Surrogate Court Actions to the Bankruptcy Court who will consider the Remand Motions should not be deemed a waiver of any arguments the Trust may have concerning the Bankruptcy Court's lack of jurisdiction over the Removed Surrogate Court Actions. 3. The Trustee shall have until March 31, 2020 to respond to the Remand Motions. The Orly Genger Trust shall have until April 24, 2020 to reply to any responses received to the Remand Motions, as further set forth in this Order. (Signed by Judge Alvin K. Hellerstein on 2/18/2020) (mml) (Entered: 02/18/2020)</p>
02/18/2020		<p>Set/Reset Deadlines: Responses due by 3/31/2020 Replies due by 4/24/2020. (mml) (Entered: 02/18/2020)</p>
02/18/2020		<p>Transmission to the Civil Case Openings Clerk. Transmitted re: <u>29</u> Stipulation and Order to the Civil Case Openings Clerk for case processing. (mml) (Entered: 06/18/2020)</p>
02/18/2020		<p>Transmission to Office of the Clerk of Court. Transmitted re: <u>29</u> Stipulation and Order to the Office of the Clerk of Court for processing. (mml) (Entered: 06/18/2020)</p>
02/18/2020		<p>CASE TRANSFERRED OUT ELECTRONICALLY from the U.S.D.C. Southern District of New York to the United States District Court – Western District of Texas. This case is being transferred to the Western District of Texas to be decided in connection with and decided by the Bankruptcy Court in the WDTX (pursuant to directions from Chambers). (mml) (Entered: 06/18/2020)</p>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Application of Orly
Genger, to Remove Dalia Genger as Trustee of
The Orly Genger 1993 Trust Established on
Dec. 13, 1993 by Arie Genger, grantor.

SDNY Case No. 19-cv-09319-AKH

Orly Genger, beneficiary of The Orly Genger
1993 Trust,

Petitioner,

v.

N.Y. County Surrogate Court
Index No. 2008-0017

Dalia Genger, as trustee of The Orly Genger
1993 Trust, and The Sagi Genger 1993 Trust,

Respondents.

In the Petition of DALIA GENGGER, as Trustee
of the Orly Genger 1993 Trust Established on
Dec. 13, 1993 by Arie Genger, grantor.

SDNY Case No. 19-cv-09365-AKH

Dalia Genger, trustee of the Orly Genger 1993
Trust,

Petitioner,

v.

N.Y. County Surrogate Court
Index No. 2008-0017/E

Orly Genger, Arie Genger, Glenclova
Investment Company, TR Investors, LLC,
New TR Equity I, LLC, New TR Equity II,
LLC, Trans-Resources, Inc., Arnold Broser,
David Broser, John Does 1-20, and Jane Does
1-20,

Respondents.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2-18-20

**JOINT STIPULATION AND ORDER CONFIRMING REFERRAL
OF REMOVED SURROGATE COURT ACTIONS TO BANKRUPTCY
COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**

WHEREAS, on July 12, 2019 (the "Petition Date"), Orly Genger commenced a case (the "Bankruptcy Case") by filing a voluntary petition for relief under chapter 7 of the United States Code (the "Bankruptcy Code") in the Bankruptcy Court for the Western District of Texas (the "Texas Bankruptcy Court");

WHEREAS, while the Bankruptcy Case was pending in the Texas Bankruptcy Court, counsel for Ron Satija, the prior trustee appointed in the Debtor's Case, pursuant to 28 U.S.C. § 1452 and Bankruptcy Rule 9027, on October 8 and 9, 2019, removed two surrogate court actions that were pending in New York County Surrogate's Court styled as (i) Orly Genger, beneficiary of the Orly Genger 1993 Trust v. Dalia Genger, as trustee of the Orly Genger 1993 Trust, and the Sagi Genger 1993 Trust, Index No. 2008-0017, and (ii) Dalia Genger, as trustee of the Orly Genger 1993 Trust v. Orly Genger, et al., Index No. 2008-0017/E (the "Removed Surrogate Court Actions") to the Southern District of New York, with the further intention of transferring the Removed Surrogate Court Actions to the Texas Bankruptcy Court;

WHEREAS, on November 7 and 8, 2019, Michael Oldner, the Trustee of the Orly Genger 1993 Trust (the "Orly Genger Trust") filed, in this Court, motions to remand (the "Remand Motions") the Removed Surrogate Court Actions back to the Surrogate Court;

WHEREAS, by order dated November 7, 2019, the Texas Bankruptcy Court transferred the Bankruptcy Case to the Bankruptcy Court for the Southern District of New York, whereby Honorable James L. Garrity is now presiding as Bankruptcy Judge in the Bankruptcy Case, Case No. 19-13895 (JLG);

WHEREAS, on December 11, 2019, Deborah J. Piazza was appointed as the successor Chapter 7 trustee in the Bankruptcy Case;

WHEREAS, as contemplated by the Southern District of New York's Amended Standing Order dated February 1, 2012, the parties now desire that the above-captioned matters, including the Remand Motions, be referred to the Bankruptcy Court for further determination by the Bankruptcy Court.

NOW, upon all pleadings and proceedings heretofore had herein, the parties to this Stipulation, by their respective counsel, agree to the following:

1. The Removed Surrogate Court Actions, including the determination of the pending Remand Motions, shall be referred to the Bankruptcy Court for further determination by the Bankruptcy Court.

2. The Orly Genger Trust disputes that the Removed Surrogate Court Actions arise under Title 11 or arise in or are related to a case under Title 11, and reserves all rights concerning the arguments made in its Remand Motions. The Orly Genger Trust's consent to referral of the Removed Surrogate Court Actions to the Bankruptcy Court who will consider the Remand Motions should not be deemed a waiver of any arguments the Trust may have concerning the Bankruptcy Court's lack of jurisdiction over the Removed Surrogate Court Actions.

3. The Trustee shall have until March 31, 2020 to respond to the Remand Motions. The Orly Genger Trust shall have until April 24, 2020 to reply to any responses received to the Remand Motions.

4. Each party that executes this Joint Stipulation represents that he or she is duly authorized to execute this Joint Stipulation on behalf of the respective parties hereto and that each such party has full knowledge and has consented to the terms of this Joint Stipulation.

5. This Joint Stipulation may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument, and it

shall constitute sufficient proof of this Joint Stipulation to present any copy, copies or facsimiles signed by the parties hereto to be charged.

Dated: New York, New York
February 7, 2020

TARTER KRINSKY & DROGIN LLP
*Attorneys for Deborah J. Piazza,
Chapter 7 Trustee*

POLLOCK COHEN LLP
*Attorneys for the Orly Genger 1993 Trust,
through Michael Oldner, Trustee*

By: /s/Rocco A. Cavaliere
Rocco A. Cavaliere
1350 Broadway, 11th Floor
New York, New York 10018
(212) 216-8000

By: /s/Adam Pollock
Adam Pollock
60 Broad Street
New York, New York 10004
(212) 337-5361

SO ORDERED:

Dated: New York, New York
February 18, 2020


HONORABLE ALVIN K. HELLERSTEIN
UNITED STATES DISTRICT JUDGE